

**LAND SURVEYORS SECTION MEETING  
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS, AND LAND SURVEYORS  
MINUTES**

**MARCH 5, 2009**

**PRESENT:** Rick Van Goethem, James Rusch, Matthew J. Janiak, and Steven Nielsen

**ABSENT:** Ruth G. Johnson

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Colleen Baird, Legal Counsel; Nicole Goodman, Bureau Assistant and other Department staff were present during portions of the meeting

**GUESTS:** Lisa Van Horn, Van Horn and Van Horn LLC., Shawano County; Francis Thousand, Wisconsin Society of Land Surveyors; John Kannard, Wisconsin Society of Land Surveyors; Daniel Frick, Wisconsin Society of Land Surveyors, Dane County; Jim Logan, WDOA, Plat Review

**CALL TO ORDER**

Rick Van Goethem, Chair, called the meeting to order at 9:37 a.m. A quorum of four members was present.

**AGENDA**

**MOTION:** Matthew Janiak moved, seconded by James Rusch, to approve the agenda as written. Motion carried unanimously.

**MOTION:** James Rusch moved, seconded by Rick Van Goethem, to amend the agenda to include "Discussion of support in processing complaints by the Wisconsin Society of Land Surveyors". Motion carried unanimously.

**APPROVAL OF MINUTES (JULY 30, 2008)**

**MOTION:** James Rusch moved, seconded by Matthew Janiak, to approve the July 30, 2008 minutes as written. Motion carried unanimously.

**APPROVAL OF MINUTES (AUGUST 11, 2008)**

**MOTION:** James Rusch moved, seconded by Matthew Janiak, to approve the August 11, 2008 minutes as written. Motion carried unanimously.

## **ELECTION OF OFFICERS FOR 2009**

James Rusch nominated Rick Van Goethem as Chair.

**MOTION:** James Rusch moved, seconded by Matthew Janiak, to elect Rick Van Goethem as Chair. Motion carried unanimously.

Matthew Janiak nominated James Rusch as Vice Chair.

**MOTION:** Matthew Janiak moved, seconded by Steven Nielsen, to elect James Rusch as Vice Chair. Motion carried unanimously.

Steven Nielsen nominated Matthew Janiak as Secretary.

**MOTION:** Steven Nielsen moved, seconded by James Rusch, to elect Matthew Janiak as Secretary. Motion carried unanimously.

## **APPOINT BOARD'S REPRESENTATIVE FOR SCREENING PANEL BY BOARD CHAIR**

The Chair nominated James Rusch and Steven Nielsen as the Screening Panel members.

The Chair appointed himself as the continuing education liaison.

## **APPOINT PUBLIC MEMBER TO A-E RULES COMMITTEE BY BOARD CHAIR**

The Chair appointed Ruth G. Johnson as the A-E Rules Committee public member.

## **ADMINISTRATIVE REPORT YOLANDA MCGOWAN, BUREAU DIRECTOR**

### **2009 Meeting and Screening Dates**

The Section was provided a copy of the 2009 meeting dates.

### **Annual Policy Review**

Yolanda McGowan reviewed the Department's annual policies with the Board and highlighted the new baggage check policy.

## **Department Updates**

Yolanda McGowan requested that the each Committee member fill out a Board Member Feedback Survey. The Chair will provide a report at the beginning of the next meeting on the results of the survey. She also informed the Board that the Department plans to implement an electronic survey by the end of 2009. It will allow a broader evaluation of all services provided by the Department.

Yolanda McGowan discussed the Staff changes within the Department. She informed the Board that due to the loss of continuing education staff there is a temporary hold on continuing education audits. The Department would like to hold election of officers in the last quarter of the year so that Board Chair Training can be held before the start of the new year. The Office of Legal Counsel and Board Services are merging to become one Division and the ALJ function is being moved to the Department of Hearing and Appeals. The Division of Enforcement has a new case handling initiative that was outlined in the DRL Link Board Member Edition newsletter.

## **Motion for Hearing and Appeals**

**MOTION:** Matthew Janiak moved, seconded by James Rusch, to designate an attorney employed by the Division of Hearing and Appeals to serve as an administrative law judge to preside over Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 2.10 and this designation is in addition to the designation already provided for in Wis. Admin. Code § RL 2.10. Motion carried unanimously.

## **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules and Press Release**

Noted.

## **PRESENTATION OF PROPOSED STIPULATION BY DIVISION OF ENFORCEMENT**

No presentation was given by the Division of Enforcement on the following Stipulations:

1. Pete L. Bailey 05 LSR 004
2. Keith Douglas Koppen 07 LSR 011
3. Robert m. Baerenwald 07 LSR 005 and 07 LSR 018
4. Curtis J. Cummer 08 LSR 004

## **LEGISLATIVE/ ADMINISTRATIVE RULES UPDATE**

Yolanda McGowan informed the Section that legislation is being introduced to repeal 443.09(6) relating to failed examination review. Colleen Baird will provide the Section with a formal opinion on whether the Failed Examination Review provisions in Ch 443 apply to Land Surveyors.

Colleen Baird informed the Section that the rule relating to responsible charge will be presented at the April 21, 2009 A-E Rules Committee meeting.

**Update on AB 181 Rules Relating to Continuing Education for Architects, Landscape Architects, Professional Engineers, Designers of Engineering Systems, and Land Surveyors**

Colleen Baird informed the Committee that a public hearing will be held on April 21, 2009 at the A-E Rules Committee meeting relating to AB181.

**Update on Technical Correction to A-E 6.03**

Colleen Baird informed the Committee that information relating to A-E 6.03 will be made available at the April 21, 2009 A-E Rules Committee meeting.

**Update on Rule Relating to Failure to Respond to the Board**

Colleen Baird informed the Committee that the Department is currently working on the formatting of the rule relating to failure to respond.

**ENFORCEMENT ISSUES**

**Discussion of Support in Processing Complaints by the Wisconsin Society of Land Surveyors**

Yolanda McGowan informed the Section that the Statute does not allow outside assistance in processing complaints. She further informed the Section of the many initiatives the Department and staff are taking to streamline processes, operate efficiently and improve services. Yolanda McGowan asked that the WSLS contact Marvin Robinson, DOE Division Administrator, regarding processing complaints.

**TRAVEL**

**Report by James Rusch on NCEES 87<sup>th</sup> Annual Meeting**

James Rusch provided the Section with a report on the NCEES 87<sup>th</sup> Annual Meeting.

Yolanda McGowan and James Rusch attended the Administrative Director and Section Presidents meeting held by NCEES. They provided a brief report on the meeting.

**Nominate a Delegate for the NCEES 88<sup>th</sup> Annual Meeting on August 12-15, 2009**

**MOTION:** Matthew Janiak moved, seconded by Steven Nielson, to nominate James Rusch as the Section's delegate to the NCEES 88<sup>th</sup> Annual Meeting on Department funds. Motion carried unanimously.

## **PRACTICE ISSUES**

The Section requested that discussion relating to unlicensed practice be placed on the next agenda.

## **NEW BUSINESS**

None.

## **CLOSED SESSION**

**MOTION:** Matthew Janiak moved, seconded by James Rusch, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Rick Van Goethem-yes; James Rusch-yes; Matthew Janiak-yes; Steven Nielsen-yes.

Open Session recessed at 11:57 a.m.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Steven Nielsen moved, seconded by Matthew Janiak, to reconvene into Open Session at 3:28 p.m. Motion carried unanimously.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

## **STIPULATIONS**

**MOTION:** Matthew Janiak moved, seconded by Steven Nielsen, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning **Pete L. Bailey 05 LSR 004, Keith Douglas Koopen 07 LSR 011, Robert M. Baerenwald 07 LSR 005 and 07 LSR 018, and Curtis J. Cummer 08 LSR 004.** Motion carried unanimously.

## **APPLICATIONS REVIEWED ON March 5, 2009**

The Section took the following action on applications.

**MOTION:** Matthew Janiak moved, seconded by James Rusch, to act on the applications reviewed at today's meeting as reviewed and signed in the application file and authorize Rick Van Goethem to review the additional information submitted for the intent to deny applications and approve on behalf of the Section. Motion carried unanimously.

Land Surveyors Section Meeting  
March 5, 2009 - Minutes

**FOR REGISTRATION AS A LAND SURVEYOR**

1. Written Exam

a. Granted –

1. Anderson, Wyatt B
2. Austin, Aaron J
3. Bolz, Jason D
4. Buck, Andrew M
5. Lindaas, Eric E
6. Pfeffer, Bryan L
7. Reed, Kevin M
8. Schley, Curtis E
9. Spees, Jacob N

b. Intent to Deny

1. Becker, Brett
2. Grindey, Nicholas
3. Hampton, Marcus
4. Hodges, William R
5. Kanthaphixay, Richard
6. Kroeger, Scott
7. Schneider, Shane
8. Stucchi, Anthony

c. Deny

1. Ruetten, Christopher
2. Roberge, Jesse L

**ADJOURNMENT**

**MOTION:** Steven Nielsen moved, seconded by James Rusch, to adjourn the meeting at 3:34 p.m. Motion carried unanimously.